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Chief Clerk of the House

FILED FEB 17 2005

By: Martha Loney

H.B. No. 1304

A BILL TO BE ENTITLED

AN ACT

relating to sanitation requirements for certain barbering and
cosmetology services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1601.506, Occupations Code, is amended
by adding Subsections (e) and (f) to read as follows:

(e) A person who holds a license, certificate, or permit
issued under this chapter and who performs a barbering service
described by Section 1601.002(1)(E) or (F):

(1) shall, before performing the service, disinfect
and sterilize with an autoclave each nondisposable instrument used
to perform the service; and

(2) may use a disposable supply or instrument only if
that supply or instrument is purchased at the location where the
service is performed or provided by the person on whom the service
is performed.

(f) An autoclave used as required by Subsection (e) must be:

(1) registered and listed with the federal Food and
Drug Administration; and

(2) used in accordance with the manufacturer's
instructions.

SECTION 2. Subchapter I, Chapter 1602, Occupations Code, is
amended by adding Section 1602.408 to read as follows:

Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN

1 SERVICES. (a) A person who holds a license, certificate, or permit
2 issued under this chapter and who performs a cosmetology service
3 described by Section 1602.002(10) or (11):

4 (1) shall, before performing the service, disinfect
5 and sterilize with an autoclave each nondisposable instrument used
6 to perform the service; and

7 (2) may use a disposable supply or instrument only if
8 that supply or instrument is purchased at the location where the
9 service is performed or provided by the person on whom the service
10 is performed.

11 (b) An autoclave used as required by Subsection (a) must be:

12 (1) registered and listed with the federal Food and
13 Drug Administration; and

14 (2) used in accordance with the manufacturer's
15 instructions.

16 SECTION 3. This Act takes effect January 1, 2006.

05 MAR 30 PM 7:37
HOUSE OF REPRESENTATIVES

**HOUSE
COMMITTEE REPORT**
1st Printing

By: Wong

H.B. No. 1304

Substitute the following for H.B. No. 1304:

By: Otto

C.S.H.B. No. 1304

A BILL TO BE ENTITLED

AN ACT

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cosmetology services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1601.506, Occupations Code, is amended
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(1) shall, before performing the service, disinfect
and sterilize with an autoclave each nondisposable instrument used
to perform the service; and

(2) may use a disposable supply or instrument only if
that supply or instrument is purchased at the location where the
service is performed or provided by the person on whom the service
is performed.

(f) The owner or manager of a barbershop, specialty shop, or
barber school is responsible for providing an autoclave for use in
the shop or school as required by Subsection (e). An autoclave used
as required by Subsection (e) must be:

(1) registered and listed with the federal Food and
Drug Administration; and

(2) used in accordance with the manufacturer's
instructions.

SECTION 2. Subchapter I, Chapter 1602, Occupations Code, is amended by adding Section 1602.408 to read as follows:

Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN SERVICES. (a) A person who holds a license, certificate, or permit issued under this chapter and who performs a cosmetology service described by Section 1602.002(10) or (11):

(1) shall, before performing the service, disinfect and sterilize with an autoclave each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the service is performed or provided by the person on whom the service is performed.

(b) The owner or manager of a beauty shop, specialty shop, or beauty culture school is responsible for providing an autoclave for use in the shop or school as required by Subsection (a). An autoclave used as required by Subsection (a) must be:

(1) registered and listed with the federal Food and Drug Administration; and

(2) used in accordance with the manufacturer's instructions.

SECTION 3. This Act takes effect January 1, 2006.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

3.21.2005
(date)

Sir:

We, your COMMITTEE ON GOVERNMENT REFORM

to whom was referred H.B. 1304 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (☒) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (☒) yes () no A fiscal note was requested.
- () yes (☒) no A criminal justice policy impact statement was requested.
- () yes (☒) no An equalized educational funding impact statement was requested.
- () yes (☒) no An actuarial analysis was requested.
- () yes (☒) no A water development policy impact statement was requested.
- () yes (☒) no A tax equity note was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

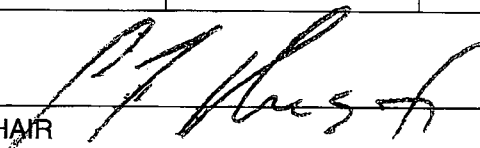
Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Uresti, Chair	<input checked="" type="checkbox"/>			
Otto, Vice-chair	<input checked="" type="checkbox"/>			
Davis				<input checked="" type="checkbox"/>
Frost	<input checked="" type="checkbox"/>			
Gonzales	<input checked="" type="checkbox"/>			
Hunter	<input checked="" type="checkbox"/>			
Veasey	<input checked="" type="checkbox"/>			

Total 6 aye
 0 nay
 0 present, not voting
 1 absent

CHAIR 

BILL ANALYSIS

C.S.H.B. 1304
By: Wong
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, cosmetology nail salons are not required to use autoclaves to sanitize instruments, which puts Texas citizens at risk of contracting dangerous infections and viruses. Among the Sunset Advisory Commission's recommendations to the 79th Legislature is the recommendation that these salons be required to use autoclaves to sanitize instruments. Therefore, C.S.H.B. 1304 strives to improve safety and sanitation by requiring the use of autoclaves in nail salons.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1

Amends Section 1601.506 of the Occupations Code by adding Subsections (e) and (f) providing for mandatory autoclave of non-disposable instruments.

Section 1601.506(e) specifies that a licensee shall disinfect instruments before performing the service and may only use a disposable supply or instrument if it is bought at the location the service is performed or provided by the person on whom the service is performed.

Section 1601.506(f) provides that an owner or manager of a barbershop, specialty shop, or barber school is responsible for providing an autoclave for use in the shop or school as provided by Subsection (e), and provides that the autoclave must be registered with the FDA and used in accordance with manufacturer's instructions.

SECTION 2

Amends Subchapter I of Chapter 1602 of the Occupations Code by adding Section 1602.408 which specifies sanitation requirements for certain services. Under this section, a licensee is required to autoclave non-disposable instruments before performing the service and may only use a disposable supply or instrument if it is bought at the location the service is performed or provided by the person on whom the service is performed. This section also provides that an owner or manager of a barbershop, specialty shop, or barber school is responsible for providing an autoclave for use in the shop or school, and that the autoclave must be registered with the FDA and used in accordance with manufacturer's instructions.

SECTION 3

The effective date of this Act is January 1, 2006.

EFFECTIVE DATE

January 1, 2006.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1304 modifies the original by adding a provision that requires the owner or manager of a barbershop, specialty shop, or barber school to provide an autoclave for use in the shop or school.

SUMMARY OF COMMITTEE ACTION

HB 1304

March 7, 2005 1:00PM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

March 21, 2005 1:00PM or upon final adjourn./recess

Considered in public hearing

Committee substitute considered in committee

Reported favorably as substituted

WITNESS LIST

HB 1304
HOUSE COMMITTEE REPORT
Government Reform Committee

March 7, 2005 - 1:00PM or upon final adjourn./recess

For:	Davis, Jennifer (Self)
	Holcombe, Linda (Texas Industrial Vocational Association)
	Wright, Carla (College of Cosmetology, Inc.)
On:	Parker, Glenn (Board of Barber Examiners)
	Rouff, Michael (Texas Cosmetology Commission)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (Relating to sanitation requirements for certain barbering and cosmetology services.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 3, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (Relating to sanitation requirements for certain barbering and cosmetology services.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

ADOPTED

APR 1 2005

Robert M. Hargrett
Chief Clerk
House of Representatives

[Handwritten signature]
BAA

By: Wong

Substitute the following for H.B. No. 1304:

By: Chen

~~H.B. No. 1304~~

~~C.S. H.B. No. 1304~~

~~A BILL TO BE ENTITLED~~

~~AN ACT~~

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(1) shall, before performing the service, disinfect and sterilize with an autoclave each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the service is performed or provided by the person on whom the service is performed.

(f) The owner or manager of a barbershop, specialty shop, or barber school is responsible for providing an autoclave for use in the shop or school as required by Subsection (e). An autoclave used as required by Subsection (e) must be:

(1) registered and listed with the federal Food and Drug Administration; and

(2) used in accordance with the manufacturer's instructions.

1 SECTION 2. Subchapter I, Chapter 1602, Occupations Code, is
2 amended by adding Section 1602.408 to read as follows:

3 Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN
4 SERVICES. (a) A person who holds a license, certificate, or permit
5 issued under this chapter and who performs a cosmetology service
6 described by Section 1602.002(10) or (11):

7 (1) shall, before performing the service, disinfect
8 and sterilize with an autoclave each nondisposable instrument used
9 to perform the service; and

10 (2) may use a disposable supply or instrument only if
11 that supply or instrument is purchased at the location where the
12 service is performed or provided by the person on whom the service
13 is performed.

14 (b) The owner or manager of a beauty shop, specialty shop,
15 or beauty culture school is responsible for providing an autoclave
16 for use in the shop or school as required by Subsection (a). An
17 autoclave used as required by Subsection (a) must be:

18 (1) registered and listed with the federal Food and
19 Drug Administration; and

20 (2) used in accordance with the manufacturer's
21 instructions.

22 SECTION 3. This Act takes effect January 1, 2006.

F

**2ND READING
ENGROSSMENT**

By: Wong

H.B. No. 1304

A BILL TO BE ENTITLED

AN ACT

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(1) registered and listed with the federal Food and Drug Administration; and

(2) used in accordance with the manufacturer's instructions.

SECTION 2. Subchapter I, Chapter 1602, Occupations Code, is amended by adding Section 1602.408 to read as follows:

Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN SERVICES. (a) A person who holds a license, certificate, or permit issued under this chapter and who performs a cosmetology service described by Section 1602.002(10) or (11):

(1) shall, before performing the service, disinfect and sterilize with an autoclave each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the service is performed or provided by the person on whom the service is performed.

(b) The owner or manager of a beauty shop, specialty shop, or beauty culture school is responsible for providing an autoclave for use in the shop or school as required by Subsection (a). An autoclave used as required by Subsection (a) must be:

(1) registered and listed with the federal Food and Drug Administration; and

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HOUSE ENGROSSMENT

By: Wong

H.B. No. 1304

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (Relating to sanitation requirements for certain barbering and cosmetology services.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 3, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (Relating to sanitation requirements for certain barbering and cosmetology services.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

By: Wong (Senate Sponsor - Van de Putte) H.B. No. 1304
(In the Senate - Received from the House April 20, 2005;
April 21, 2005, read first time and referred to Committee on
Business and Commerce; May 9, 2005, reported adversely, with
favorable Committee Substitute by the following vote: Yeas 6,
Nays 0; May 9, 2005, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 1304 By: Van de Putte

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AN ACT

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(1) shall, before performing the service, disinfect
and sterilize with an autoclave or a dry heat, ultraviolet, or other
board-approved sterilizer each nondisposable instrument used to
perform the service; and

(2) may use a disposable supply or instrument only if
that supply or instrument is purchased at the location where the
service is performed or provided by the person on whom the service
is performed.

(f) The owner or manager of a barbershop, specialty shop, or
barber school is responsible for providing an autoclave or a dry
heat, ultraviolet, or other board-approved sterilizer for use in
the shop or school as required by Subsection (e). An autoclave or a
dry heat, ultraviolet, or other board-approved sterilizer used as
required by Subsection (e) must be:

(1) registered and listed with the federal Food and
Drug Administration; and

(2) used in accordance with the manufacturer's
instructions.

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Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN
SERVICES. (a) A person who holds a license, certificate, or permit
issued under this chapter and who performs a cosmetology service
described by Section 1602.002(10) or (11):

(1) shall, before performing the service, disinfect
and sterilize with an autoclave or a dry heat, ultraviolet, or other
commission-approved sterilizer each nondisposable instrument used
to perform the service; and

(2) may use a disposable supply or instrument only if
that supply or instrument is purchased at the location where the
service is performed or provided by the person on whom the service
is performed.

(b) The owner or manager of a beauty shop, specialty shop,
or beauty culture school is responsible for providing an autoclave
or a dry heat, ultraviolet, or other commission-approved sterilizer
for use in the shop or school as required by Subsection (a). An
autoclave or a dry heat, ultraviolet, or other commission-approved
sterilizer used as required by Subsection (a) must be:

(1) registered and listed with the federal Food and
Drug Administration; and

(2) used in accordance with the manufacturer's
instructions.

SECTION 3. This Act takes effect January 1, 2006.

* * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 1304
By Wong/Van de Putte
(Author/Senate Sponsor)
May 9, 2005
(date)

We, your Committee on BUSINESS AND COMMERCE, to which was referred the attached measure,
have on May 5, 2005, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no
A revised fiscal note was requested. ☒ yes ☐ no
An actuarial analysis was requested. ☐ yes ☒ no
Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Troy Fraser, Chairman	<input checked="" type="checkbox"/>			
Senator Kip Averitt, Vice-Chairman			<input checked="" type="checkbox"/>	
Senator Ken Armbrister			<input checked="" type="checkbox"/>	
Senator Kim Brimer			<input checked="" type="checkbox"/>	
Senator John Carona	<input checked="" type="checkbox"/>			
Senator Kevin Eltife	<input checked="" type="checkbox"/>			
Senator Craig Estes	<input checked="" type="checkbox"/>			
Senator Eddie Lucio	<input checked="" type="checkbox"/>			
Senator Leticia Van de Putte	<input checked="" type="checkbox"/>			
TOTAL VOTES	6		3	

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Yatim Baker
COMMITTEE CLERK

Zy Fan
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

WITNESS LIST

HB 1304

SENATE COMMITTEE REPORT

Business & Commerce

May 5, 2005 - 9:00AM

ON: Kuntz Jr., William H. (Texas Department of Licensing and Regulation), Austin, TX
Lieberknecht, Chloe (Sunset Advisory Commission), Austin, TX
Rouff, Michael (Cosmetology Commission), Austin, TX

BILL ANALYSIS

Senate Research Center
79R9370 YDB-D

H.B. 1304
By: Wong (Van de Putte)
Business & Commerce
5/4/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, cosmetology nail salons are not required to use autoclaves to sanitize non-disposable instruments, which puts Texas citizens at risk of contracting dangerous infections and viruses. Among the Sunset Advisory Commission's recommendations to the 79th Legislature, Regular Session, 2005, is the recommendation that these salons be required to use autoclaves to sanitize these instruments.

H.B. 1304 improves safety and sanitation by requiring the use of autoclaves to sterilize non-disposable instruments in a barbershop, specialty shop, or barber school.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1601.506, Occupations Code, by adding Subsections (e) and (f), as follows:

(e) Sets forth certain provisions relating to a person who holds a license, certificate, or permit issued under this chapter and who performs a barbering service described by Section 1601.002(1)(E) or (F).

(f) Provides that the owner or manager of a barbershop, specialty shop, or barber school is responsible for providing an autoclave for use in the shop or school as required by Subsection (e). Requires an autoclave used as required by Subsection (e) to be registered and listed with the Federal Food and Drug Administration and used in accordance with the manufacturer's instructions.

SECTION 2. Amends Subchapter I, Chapter 1602, Occupations Code, by adding Section 1602.408, as follows:

Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN SERVICES. (a) Sets forth certain provisions relating to a person who holds a license, certificate, or permit issued under this chapter and who performs a cosmetology service described by Section 1602.002(10) or (11).

(b) Provides that the owner or manager of a beauty shop, specialty shop, or beauty culture school is responsible for providing an autoclave for use in the shop or school as required by Subsection (a). Requires an autoclave used as required by Subsection (a) to be registered and listed with the Federal Food and Drug Administration and used in accordance with the manufacturer's instructions.

SECTION 3. Effective date: January 1, 2006.

BILL ANALYSIS

Senate Research Center
79R16388 YDB-D

C.S.H.B. 1304
By: Wong (Van de Putte)
Business & Commerce
5/6/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, cosmetology nail salons are not required to use autoclaves to sanitize non-disposable instruments, which puts Texas citizens at risk of contracting dangerous infections and viruses. Among the Sunset Advisory Commission's recommendations to the 79th Legislature, Regular Session, 2005, is the recommendation that these salons be required to use autoclaves to sanitize these instruments.

C.S.H.B. 1304 improves safety and sanitation by requiring the use of autoclaves to sterilize non-disposable instruments in a barbershop, specialty shop, barber school, beauty shop, or beauty culture school.

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SECTION 1. Amends Section 1601.506, Occupations Code, by adding Subsections (e) and (f), as follows:

(e) Sets forth certain provisions relating to a person who holds a license, certificate, or permit issued under this chapter and who performs a barbering service described by Section 1601.002(1)(E) or (F).

(f) Provides that the owner or manager of a barbershop, specialty shop, or barber school is responsible for providing an autoclave or a dry heat, ultraviolet, or other State Board of Barber Examiners (board)-approved sterilizer for use in the shop or school as required by Subsection (e). Requires an autoclave or a dry heat, ultraviolet, or other board-approved sterilizer used as required by Subsection (e) to be registered and listed with the federal Food and Drug Administration and used in accordance with the manufacturer's instructions.

SECTION 2. Amends Subchapter I, Chapter 1602, Occupations Code, by adding Section 1602.408, as follows:

Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN SERVICES. (a) Sets forth certain provisions relating to a person who holds a license, certificate, or permit issued under this chapter and who performs a cosmetology service described by Section 1602.002(10) or (11).

(b) Provides that the owner or manager of a beauty shop, specialty shop, or beauty culture school is responsible for providing an autoclave or a dry heat, ultraviolet, or other Texas Cosmetology Commission (commission)-approved sterilizer for use in the shop or school as required by Subsection (a). Requires an autoclave or a dry heat, ultraviolet, or other commission-approved sterilizer used as required by Subsection (a) to be registered and listed with the federal Food and Drug Administration and used in accordance with the manufacturer's instructions.

SECTION 3. Effective date: January 1, 2006.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 6, 2005

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (relating to sanitation requirements for certain barbering and cosmetology services.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, JRO, CL, LB, DE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 26, 2005

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (Relating to sanitation requirements for certain barbering and cosmetology services.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, CL, LB, DE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (Relating to sanitation requirements for certain barbering and cosmetology services.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 3, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (Relating to sanitation requirements for certain barbering and cosmetology services.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

ADOPTED

31-0
MAY 17 2005

Atty. Gen. Spaw
Secretary of the Senate

By:

Substitute the following for H.B. No. 1304:

By:

H.B. No. 1304

C.S. H.B. No. 1304

A BILL TO BE ENTITLED

AN ACT

relating to sanitation requirements for certain barbering and cosmetology services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1601.506, Occupations Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) A person who holds a license, certificate, or permit issued under this chapter and who performs a barbering service described by Section 1601.002(1)(E) or (F):

(1) shall, before performing the service, disinfect and sterilize with an autoclave or a dry heat, ultraviolet, or other board-approved sterilizer each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the service is performed or provided by the person on whom the service is performed.

(f) The owner or manager of a barbershop, specialty shop, or barber school is responsible for providing an autoclave or a dry heat, ultraviolet, or other board-approved sterilizer for use in the shop or school as required by Subsection (e). An autoclave or a dry heat, ultraviolet, or other board-approved sterilizer used as required by Subsection (e) must be:

(1) registered and listed with the federal Food and

1 Drug Administration; and

2 (2) used in accordance with the manufacturer's
3 instructions.

4 SECTION 2. Subchapter I, Chapter 1602, Occupations Code, is
5 amended by adding Section 1602.408 to read as follows:

6 Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN
7 SERVICES. (a) A person who holds a license, certificate, or permit
8 issued under this chapter and who performs a cosmetology service
9 described by Section 1602.002(10) or (11):

10 (1) shall, before performing the service, disinfect
11 and sterilize with an autoclave or a dry heat, ultraviolet, or other
12 commission-approved sterilizer each nondisposable instrument used
13 to perform the service; and

14 (2) may use a disposable supply or instrument only if
15 that supply or instrument is purchased at the location where the
16 service is performed or provided by the person on whom the service
17 is performed.

18 (b) The owner or manager of a beauty shop, specialty shop,
19 or beauty culture school is responsible for providing an autoclave
20 or a dry heat, ultraviolet, or other commission-approved sterilizer
21 for use in the shop or school as required by Subsection (a). An
22 autoclave or a dry heat, ultraviolet, or other commission-approved
23 sterilizer used as required by Subsection (a) must be:

24 (1) registered and listed with the federal Food and
25 Drug Administration; and

26 (2) used in accordance with the manufacturer's
27 instructions.

1 SECTION 3. This Act takes effect January 1, 2006.

SENATE AMENDMENTS

2nd Printing

05 MAY 17 PM 2: 59
HOUSE OF REPRESENTATIVES

By: Wong

H.B. No. 1304

A BILL TO BE ENTITLED

AN ACT

relating to sanitation requirements for certain barbering and cosmetology services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1601.506, Occupations Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) A person who holds a license, certificate, or permit issued under this chapter and who performs a barbering service described by Section 1601.002(1)(E) or (F):

(1) shall, before performing the service, disinfect and sterilize with an autoclave each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the service is performed or provided by the person on whom the service is performed.

(f) The owner or manager of a barbershop, specialty shop, or barber school is responsible for providing an autoclave for use in the shop or school as required by Subsection (e). An autoclave used as required by Subsection (e) must be:

(1) registered and listed with the federal Food and Drug Administration; and

(2) used in accordance with the manufacturer's instructions.

SECTION 2. Subchapter I, Chapter 1602, Occupations Code, is amended by adding Section 1602.408 to read as follows:

Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN SERVICES. (a) A person who holds a license, certificate, or permit issued under this chapter and who performs a cosmetology service described by Section 1602.002(10) or (11):

(1) shall, before performing the service, disinfect and sterilize with an autoclave each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the service is performed or provided by the person on whom the service is performed.

(b) The owner or manager of a beauty shop, specialty shop, or beauty culture school is responsible for providing an autoclave for use in the shop or school as required by Subsection (a). An autoclave used as required by Subsection (a) must be:

(1) registered and listed with the federal Food and Drug Administration; and

(2) used in accordance with the manufacturer's instructions.

SECTION 3. This Act takes effect January 1, 2006.

ADOPTED

31-0
MAY 17 2005

Latoy Spauld
Secretary of the Senate

By: *VanderPitt*

H.B. No. 1304

Substitute the following for H.B. No. 1304:

By: *VanderPitt*

C.S. H.B. No. 1304

A BILL TO BE ENTITLED

AN ACT

relating to sanitation requirements for certain barbering and cosmetology services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1601.506, Occupations Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) A person who holds a license, certificate, or permit issued under this chapter and who performs a barbering service described by Section 1601.002(1)(E) or (F):

(1) shall, before performing the service, disinfect and sterilize with an autoclave or a dry heat, ultraviolet, or other board-approved sterilizer each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the service is performed or provided by the person on whom the service is performed.

(f) The owner or manager of a barbershop, specialty shop, or barber school is responsible for providing an autoclave or a dry heat, ultraviolet, or other board-approved sterilizer for use in the shop or school as required by Subsection (e). An autoclave or a dry heat, ultraviolet, or other board-approved sterilizer used as required by Subsection (e) must be:

(1) registered and listed with the federal Food and

1 Drug Administration; and

2 (2) used in accordance with the manufacturer's
3 instructions.

4 SECTION 2. Subchapter I, Chapter 1602, Occupations Code, is
5 amended by adding Section 1602.408 to read as follows:

6 Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN
7 SERVICES. (a) A person who holds a license, certificate, or permit
8 issued under this chapter and who performs a cosmetology service
9 described by Section 1602.002(10) or (11):

10 (1) shall, before performing the service, disinfect
11 and sterilize with an autoclave or a dry heat, ultraviolet, or other
12 commission-approved sterilizer each nondisposable instrument used
13 to perform the service; and

14 (2) may use a disposable supply or instrument only if
15 that supply or instrument is purchased at the location where the
16 service is performed or provided by the person on whom the service
17 is performed.

18 (b) The owner or manager of a beauty shop, specialty shop,
19 or beauty culture school is responsible for providing an autoclave
20 or a dry heat, ultraviolet, or other commission-approved sterilizer
21 for use in the shop or school as required by Subsection (a). An
22 autoclave or a dry heat, ultraviolet, or other commission-approved
23 sterilizer used as required by Subsection (a) must be:

24 (1) registered and listed with the federal Food and
25 Drug Administration; and

26 (2) used in accordance with the manufacturer's
27 instructions.

1 SECTION 3. This Act takes effect January 1, 2006.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 6, 2005

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (relating to sanitation requirements for certain barbering and cosmetology services.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, JRO, CL, LB, DE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 26, 2005

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (Relating to sanitation requirements for certain barbering and cosmetology services.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, CL, LB, DE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (Relating to sanitation requirements for certain barbering and cosmetology services.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

3

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 3, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1304 by Wong (Relating to sanitation requirements for certain barbering and cosmetology services.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Barber Examiners and the Cosmetology Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect January 1, 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

4

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that CSHB 1304, by Wong/Han de Polk,
(Bill No.) (Author/Sponsor)

was heard by the Committee on Business and Commerce on May 5,
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.


(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ENROLLED

H.B. No. 1304

AN ACT

relating to sanitation requirements for certain barbering and cosmetology services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1601.506, Occupations Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) A person who holds a license, certificate, or permit issued under this chapter and who performs a barbering service described by Section 1601.002(1)(E) or (F):

(1) shall, before performing the service, disinfect and sterilize with an autoclave or a dry heat, ultraviolet, or other board-approved sterilizer each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the service is performed or provided by the person on whom the service is performed.

(f) The owner or manager of a barbershop, specialty shop, or barber school is responsible for providing an autoclave or a dry heat, ultraviolet, or other board-approved sterilizer for use in the shop or school as required by Subsection (e). An autoclave or a dry heat, ultraviolet, or other board-approved sterilizer used as required by Subsection (e) must be:

(1) registered and listed with the federal Food and

1 Drug Administration; and

2 (2) used in accordance with the manufacturer's
3 instructions.

4 SECTION 2. Subchapter I, Chapter 1602, Occupations Code, is
5 amended by adding Section 1602.408 to read as follows:

6 Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN
7 SERVICES. (a) A person who holds a license, certificate, or permit
8 issued under this chapter and who performs a cosmetology service
9 described by Section 1602.002(10) or (11):

10 (1) shall, before performing the service, disinfect
11 and sterilize with an autoclave or a dry heat, ultraviolet, or other
12 commission-approved sterilizer each nondisposable instrument used
13 to perform the service; and

14 (2) may use a disposable supply or instrument only if
15 that supply or instrument is purchased at the location where the
16 service is performed or provided by the person on whom the service
17 is performed.

18 (b) The owner or manager of a beauty shop, specialty shop,
19 or beauty culture school is responsible for providing an autoclave
20 or a dry heat, ultraviolet, or other commission-approved sterilizer
21 for use in the shop or school as required by Subsection (a). An
22 autoclave or a dry heat, ultraviolet, or other commission-approved
23 sterilizer used as required by Subsection (a) must be:

24 (1) registered and listed with the federal Food and
25 Drug Administration; and

26 (2) used in accordance with the manufacturer's
27 instructions.

H.B. No. 1304

1 SECTION 3. This Act takes effect January 1, 2006.

President of the Senate

Speaker of the House

I certify that H.B. No. 1304 was passed by the House on April 19, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1304 on May 18, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1304 was passed by the Senate, with amendments, on May 17, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 1304[✓] was passed by the House on
(1)

April 19[✓], 2005, by a non-record[✓] vote;
(2)

and that the House concurred in Senate amendments to H.B. No. 1304[✓]
on May 18[✓], 2005, by a non-record[✓] vote.
(3)

Chief Clerk of the House

**** Preparation: CT47

I certify that H.B. No. 1304[✓] was passed by the Senate, with
(1)

amendments, on May 17[✓], 2005, by the
(2)

following vote: Yeas 31[✓], Nays 0[✓].
(3) (4)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT32

H.B. No. 1304

A BILL TO BE ENTITLED
AN ACT

By Martha Long

relating to sanitation requirements for certain barbering and cosmetology services.

FEB 17 2005

Filed with the Chief Clerk

FEB 24 2005

Read first time and referred to Committee on Government Reform

MAR 21 2005

Reported favorably ~~(unfavorably)~~
(as substituted)

MAR 31 2005

Sent to Committee on (Calendars)
~~(Calendars)~~

APR 18 2005

Read second time (comm. subst.) ~~(amended)~~; passed to third reading ~~(failed)~~ by a ~~(non-record vote)~~
(record vote of 121 yeas, 14 nays, 3 present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

APR 19 2005

Read third time ~~(amended)~~; finally passed ~~(failed to pass)~~ by a (non-record vote)
~~(record vote of yeas, nays, present, not voting)~~

Engrossed

APR 20 2005

Sent to Senate

Robert Haney
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 20 2005

Received from the House

APR 21 2005

Read and referred to Committee on BUSINESS AND COMMERCE

Reported favorably

MAY 09 2005

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 17 2005

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

MAY 17 2005

Read second time, , and passed to third reading by ~~(unanimous consent)~~
(a viva voce vote)
(yeas, nays)

MAY 17 2005

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 17 2005

Read third time, , and passed by (a viva voce vote)
(31 yeas, 0 nays)

May 17, 2005

Returned to the House

Lately Spaw
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 17 2005

Returned from the Senate (as substituted)
(~~with amendments~~)

MAY 18 2005

House concurred in Senate amendments by a (non-record vote)
(~~record vote of~~ _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,
_____, _____, _____

Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

05 MAY 17 PM 2:50
HOUSE OF REPRESENTATIVES

05 MAR 30 PM 1:37
HOUSE OF REPRESENTATIVES